IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6853 of 2007

(CRIME NO. 250/2001 OF THE KOLLAM EAST POLICE STATION)
.....

PETITIONER/ 3RD ACCUSED:

JOSE @ JERALD, S/O ENASTH,
PUTHUVAL PURAYIDATHIL,
THEKKUMGBHAGAM CHERRY,
ERAVIPURAM VILLAGE,KOLLAM.

BY ADV. SRI.C.RAJENDRAN.

RESPONDENT/ COMPLAINANT:

STATE OF KERALA, RERPESENTED BY THE
CIRCLE INSPECTOR OF POLICE,KOLLAM EAST
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6853 of 2007

Dated this the 7th day of November 2007

O R D E R

Application for regular bail. The petitioner faces allegations for offences punishable inter alia under Section 307 I.P.C. Investigation is complete. Final report has already been filed. Cognizance was taken by the learned Magistrate. The petitioner was not available for trial. The case against him is pending as S.C.No.598/04 before the Sessions Court, Kollam. The petitioner was not available to proceed with the case. Long later, he has surrendered before the learned Magistrate on 30/10/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His absence was not wilful or deliberate. He has to go to his place of employment and could not return. He is willing to abide by any reasonable condition that may be imposed by this court. The petitioner may now be enlarged on bail, it is prayed.

3. The application is not opposed by the learned Public Prosecutor. The learned Public Prosecutor only submits that appropriate conditions may be imposed to ensure that the petitioner is available for trial.

4. Having considered all the relevant inputs, I am satisfied that the petitioner can now be enlarged on bail subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall surrender his passport before the learned Sessions Judge. If the passport is not available, an affidavit to that effect shall be filed by the petitioner.

ii) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall report before the S.H.O, Kollam East police station between 5 p.m and 6 p.m on the first Sundays of all English calender months until the case against him is finally disposed of.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007